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ERICA STEELE  
May 1, 2008

4 ERICA WILLIS STEELE,  
5 Plaintiff,  
6 -vs-  
7 APL LOGISTICS,  
8 Defendant.

ORIGINAL

No. 07C-6440

10 The videotaped deposition of ERICA STEELE,  
11 Plaintiff herein, called for examination pursuant to  
12 notice and the Federal Rules of Civil Procedure as  
13 they pertain to the taking of depositions before  
14 Cheryl L. Zeone, CSR, RPR, on Thursday, May 1, 2008,  
15 at 1415 Black Road, Joliet, Illinois, commencing at  
16 the hour of 9:55 a.m.

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18 Tim Coverstone, Videographer

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1 A. Yes.

2 Q. Okay. Now, Mrs. Steele, why did you sue  
3 APL?

4 A. Because I was sexual harassed -- sexually  
5 harassed by a supervisor that worked there, and I  
6 reported it to Human Resources, and I had -- I had  
7 to quit my job because they failed to do anything  
8 about it.

9 Q. Let me take that one step at a time.  
10 First, it's your testimony that you were sexually  
11 harassed by a supervisor while you worked at APL?

12 A. Yes.

13 Q. Okay. What was that supervisor's name?

14 A. Stephen McElrath.

15 Q. Okay. Was he your direct supervisor?

16 A. Yes.

17 Q. Other than Mr. McElrath, were you sexually  
18 harassed by anyone else at APL?

19 A. No.

20 Q. When was the first time you believe you  
21 were sexually harassed by Stephen McElrath?

22 A. It started in December of 2005.

23 Q. Okay. Now, do you remember when in  
24 December of 2005?

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1 A. I can't remember the exact date.

2 Q. Okay. Were you an employee of APL at that  
3 time?

4 A. Yes.

5 Q. Okay. How long had you been an employee  
6 of APL in December of 2005?

7 A. I got hired in January of 2005. So almost  
8 a year.

9 Q. Okay. Was Mr. McElrath your supervisor  
10 when you were hired?

11 A. Yes.

12 Q. So he was your supervisor in January of  
13 2005?

14 A. Yes.

15 Q. And he was your supervisor throughout the  
16 year of 2005, correct?

17 A. Yeah. Correct.

18 Q. And it's your testimony that you were  
19 sexually harassed by Stephen McElrath for the first  
20 time in December of 2005?

21 A. Yes.

22 Q. Please tell me what happened.

23 A. He would come into the office and tell me  
24 how good I looked. He would use a term you have

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1 nice groceries back there, which means that I had a  
2 nice butt. He even went to -- to the extent of  
3 telling me that he thought that I probably had a  
4 nice private part, and those were -- was his exact  
5 words. He would always try to put my arms around  
6 him and grab and hug me. He would call me little  
7 pet names like, Hey, Gorgeous.

8 Q. Okay. Anything else in December of 2005?

9 A. That was basically it.

10 Q. So it's your testimony that in December of  
11 2005 Stephen McElrath would tell you that you were  
12 good looking?

13 A. Yes.

14 Q. Okay. How many times did he tell you you  
15 were good looking in December of 2005?

16 A. Almost every day. Every day I came to  
17 work it was, Hey, Gorgeous, you look good today,  
18 and, you know, Let's go out together and, Let's,  
19 you know, do something, and you would -- I would  
20 leave my wife for you.

21 Q. When Mr. McElrath would tell you that you  
22 were good looking or call you good looking, how  
23 would you respond?

24 A. I would respond with thank you. Thank

1 Gorgeous.

2 Q. You would call Mr. McElrath Sugar Foot,  
3 wouldn't you?

4 A. Yes.

5 Q. Sugar Foot wasn't his name, was it?

6 A. No.

7 Q. How did you come to call Mr. McElrath  
8 Sugar Foot?

9 A. Because he reminded me of a horse and  
10 that's the name that I got from a cartoon, Sugar  
11 Foot.

12 Q. So because Mr. McElrath reminded you of a  
13 cartoon horse, you would call him Sugar Foot?

14 A. Yes.

15 Q. Okay. When did you start --

16 MR. MARTONE: I'm sorry. Let's go off the  
17 record for a second.

18 THE VIDEOGRAPHER: This is the  
19 videographer. We're now going off the record at  
20 10:03 a.m.

21 *(Pause in proceedings.)*

22 THE VIDEOGRAPHER: This is the  
23 videographer. We're now going back on the record  
24 at 10:03 a.m.

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1 BY MR. MARTONE:

2 Q. When did you start referring to  
3 Mr. McElrath as Sugar Foot?

4 A. I started calling him Sugar Foot probably  
5 about a couple months after I got hired on from  
6 APL, and I got hired on in APL 2005. So maybe I  
7 want to -- I can't remember the exact month, but it  
8 probably was in probably June or July.

9 Q. Did you ever stop referring to  
10 Mr. McElrath as Sugar Foot?

11 A. No.

12 Q. So you referred to him as Sugar Foot  
13 during the entire time you were employed at APL?

14 A. Yes.

15 Q. Did he ever tell you that the name  
16 offended him or to stop using it?

17 A. No.

18 Q. Do you think that he liked the fact that  
19 you were referring to him as Sugar Foot?

20 A. Yes.

21 Q. Were there nicknames used for any of the  
22 other employees at APL while you were working  
23 there?

24 A. No.

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1 you know, I don't like it, can you please tell him  
2 to stop.

3 Q. Okay. How did she respond?

4 A. She couldn't believe it because she  
5 thought that he was a great supervisor.

6 Q. Okay. How many times did Mr. McElrath try  
7 and make you hug him?

8 A. I want to say about three or four times.

9 Q. When was the first time that Mr. McElrath  
10 tried to make you hug him?

11 A. December 2005.

12 Q. When was the last time Mr. McElrath tried  
13 to make you hug him?

14 A. I want to say April.

15 Q. Of 2006?

16 A. Exactly.

17 Q. Was there a time between January of 2000  
18 -- December of 2005, excuse me, and April of 2006  
19 when Mr. McElrath tried to make you hug him?

20 A. I'm sorry. Can you rephrase the question?

21 Q. Certainly.

22 You've testified Mr. McElrath tried to  
23 make you hug him two or three times, correct?

24 A. Uh-huh. Yes.

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1 Q. When did you become a permanent employee  
2 of APL?

3 A. January of 2005.

4 Q. So is -- is it your testimony that  
5 Mr. McElrath began sexually harassing you in  
6 January of 2005?

7 A. No. He started harassing me in  
8 December 2005.

9 Q. So 11 months after you were hired at APL?

10 A. Yes.

11 Q. And for the 11 months prior to that,  
12 Mr. McElrath did not sexually harass you?

13 A. Yes.

14 Q. He did not sexually harass you; is that  
15 correct?

16 A. He did not sexually harass me.

17 Q. That's -- that's a bad question. Let me  
18 try one that again.

19 MR. LICHTENWALTER: She's confused by the  
20 question, Counsel.

21 BY MR. MARTONE:

22 Q. You worked at APL from January of 2005  
23 through November of 2005, correct?

24 A. Correct.

20

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1 Q. Stephen McElrath was your supervisor  
2 during that period of time, correct?

3 A. Yes.

4 Q. During that period of time, did  
5 Mr. McElrath sexually harass you?

6 A. No.

7 Q. I believe it was also your testimony that  
8 in December of 2005 Mr. McElrath said something to  
9 the effect that you have nice groceries back there?

10 A. Yes.

11 Q. Okay. When did he say that?

12 A. He started saying that in December of  
13 2005. I can't remember exact date.

14 Q. Okay. How often did he say that?

15 A. Almost every day.

16 Q. So every day Mr. McElrath would say you  
17 have nice groceries back there?

18 A. Yes.

19 Q. Okay. How did you respond when  
20 Mr. McElrath would say that?

21 A. It made me sick.

22 Q. Did you say anything to him about it?

23 A. Yes.

24 Q. What did you say to him?

22

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1 that I left APL, he always had an offensive remark  
2 towards me.

3 Q. I believe that it was also your testimony  
4 that in December of 2005 Mr. McElrath referred to  
5 your private parts?

6 A. Yes.

7 Q. Okay. Did that occur in front of  
8 witnesses?

9 A. No.

10 Q. Okay. Where did that occur?

11 A. In our office. Me and Stephen McElrath  
12 shared an office in the back.

13 Q. Okay. Was Celeste anywhere near when that  
14 occurred?

15 A. No.

16 Q. How often did Mr. McElrath refer to your  
17 private parts?

18 A. I can remember only that one time. We  
19 were sitting in the office and he said, Erica, I  
20 bet you have a nice-sized private part, and he used  
21 a term monkey. Monkey. Those were his exact  
22 words.

23 Q. How did you respond?

24 A. I looked at him. If I had something in my

23

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1 hand, I would have threw it and knocked his head  
2 off, but I'm not a violent person, so --

3 Q. Other than the conduct that you attribute  
4 to Mr. McElrath, have you told me about every way  
5 that you were sexually harassed while you worked at  
6 APL? Well, strike that. That's not a good  
7 question. Let me try that one again.

8 Have you told me about every way that you  
9 were sexually harassed while you were working at  
10 APL?

11 A. I believe I have.

12 Q. Was there a time or occasion that you  
13 would keep a journal or a diary or a written  
14 account of events that occurred while you were  
15 employed at APL?

16 A. No.

17 MR. MARTONE: I'm going to ask that this  
18 be marked as Deposition Exhibit 1, and I'll send a  
19 copy down to your counsel.

20 *(Marked Deposition Exhibit Number 1.)*

21 BY MR. MARTONE:

22 Q. Ma'am, have you seen the two-page document  
23 which has been marked as Deposition Exhibit 1  
24 before?

40

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1 close. I did her account when she took days off.  
2 She trained me to do her account. You know, I  
3 worked for her when she was off. We had like a  
4 real close friendship.

5 Q. Did Stephen McElrath sexually harass you  
6 at any time in June of 2006?

7 A. No.

8 Q. So the sexual harassment ended in May of  
9 2006?

10 A. The sexual harassment ended in May, but he  
11 still had -- like I said, he still was saying like  
12 his little remarks. Like he would say, I'm going  
13 to come over to your house and help you plant  
14 flowers. Just things to get on my nerves to make  
15 me want to -- you know, he even said it. He even  
16 told the guys, I'm going to make her quit. I'm  
17 going to make her so uncomfortable that she's going  
18 to quit, and that's exactly what he did.

19 Q. And so let me kind of back up a step. You  
20 testified that Stephen McElrath sexually harassed  
21 you in April of 2006, correct?

22 A. Correct.

23 Q. Did Stephen McElrath sexually harass you  
24 in May of 2006?

1 A. No.

2 Q. So the sexual harassment ended in April of  
3 2006?

4 A. Yes.

5 Q. And then it's your testimony that Stephen  
6 McElrath started doing things to annoy you to make  
7 you quit, correct?

8 A. Correct.

9 Q. When did Stephen McElrath start doing  
10 things to annoy you to make you quit?

11 A. This happened in May.

12 Q. So Mr. McElrath started trying to annoy  
13 you in May of 2006?

14 A. Yes.

15 Q. In your opinion, do you have a good  
16 memory?

17 A. Do I have a good memory?

18 Q. Do you have a good memory?

19 A. I don't. I really don't have a good  
20 memory.

21 Q. What did Stephen McElrath do to annoy you  
22 to make you quit in May of 2006?

23 A. What did he do?

24 Q. Yes.

1       A. He was just an annoying person, period. I  
2 mean, he wasn't -- he was one of the main reasons  
3 that I quit, but, I mean, I felt like -- I felt  
4 like, you know, no one was listening to me, you  
5 know, so I had to, you know, do something.

6       I felt he had went in to all the other  
7 guys. Steve has a -- he has this way where if he  
8 feel like he's getting in trouble, he's going to  
9 bring everybody down with him. So he was telling  
10 all the other guys around the warehouse that I had  
11 their names involved in a sexual harassment suit,  
12 and he -- that's what he did. He was annoying like  
13 that.

14       He -- he felt like if he was going down,  
15 everybody in the warehouse was going to go down  
16 with him, and so I felt -- actually, I -- I was  
17 afraid to work there because after he told that to  
18 all the other guys, everybody started giving me  
19 dirty looks and, you know, I felt like it was time  
20 for me to go.

21       Q. Okay. It sounds like -- and, again,  
22 ma'am, I don't want to put words in your mouth. It  
23 sounds like you believe that Mr. McElrath had kind  
24 of an annoying personality. Is that accurate?

1 A. He had an annoying personality, yes.

2 Q. And that if he thought he was getting in  
3 trouble, I believe it was your testimony he would  
4 do things to bring, quote, everybody else down with  
5 him, correct?

6 A. That's correct.

7 Q. When was the first time you noticed that  
8 personality trait in Mr. McElrath?

9 A. I would say the first time I noticed it is  
10 when I reported the sexual harassment. Like when  
11 he -- when I told Mary Werner about the sexual  
12 harassment and when he found out about it, he  
13 started telling all the other guys, you know.

14 Q. Okay.

15 A. Your name is involved with the -- you  
16 know, let's, you know, try to get her out of here  
17 or whatever, and it, it -- I mean, guys done came  
18 back and told me, you know. Guys like that I see  
19 out on the street today, they tell me that, you  
20 know, that's what he did.

21 Q. Okay. So -- I'm sorry. Go ahead. Please  
22 finish.

23 A. No, you go. I wasn't going to say  
24 anything else.

1 the only one being told what to do. Everybody else  
2 got asked.

3 Q. Okay. So Jerry Vance started treating you  
4 disrespectfully when you were hired as a permanent  
5 employee of APL?

6 A. Yes.

7 Q. And that was in January of 2005, correct?

8 A. Correct.

9 Q. And you believe that Jerry Vance singled  
10 you out from the day you started working, correct?

11 A. Oh, I know he did. I mean, that's how I  
12 felt. I mean, he was -- like I said, he was always  
13 yelling at me and telling me, and then this was in  
14 front of other employees. And they, sometimes both  
15 of them, would come back there and give me like a  
16 -- a tag team.

17 I mean, I had to train other women, you  
18 know, that worked back there, and I had to do it  
19 like they had to be done. I mean, it's like I got  
20 like the short end of the stick when I worked  
21 there. And I think that's the only reason why  
22 Steve did get away with it because he seen how they  
23 treat me, so he thought that he could do the same  
24 thing, but he went too far.

1 and the third reason is that you believe you were  
2 treated unfairly by Jerry Vance and Mary Werner.

3 Do I have those reasons correct so far?

4 A. No. I mean, I quit because I was being  
5 sexually harassed. That should have been the first  
6 reason. I was being sexually harassed by a  
7 supervisor.

8 Q. Stephen McElrath?

9 A. That's correct.

10 Q. When did you quit?

11 A. I left June 9, 2006.

12 Q. At that point in time, Stephen McElrath  
13 wasn't sexually harassing you, was he?

14 A. No.

15 Q. So that wasn't a reason you quit, was it?

16 A. Well, that wasn't the reason I quit, but I  
17 was still stuck in the same office with him, and he  
18 was still talking to me like we was best friends.  
19 So, you know, nobody stood up for me at APL.  
20 Nobody.

21 Mary Werner, I trusted her and thought  
22 that she would understand. She didn't do anything  
23 about it. I went to Jerry Vance. He didn't do  
24 anything about it. So I was just stuck walking

1 minutes? That was another reason. They lied on me  
2 and said I falsified company documents.

3 Q. Okay. And so another reason you quit was  
4 because you believe you were falsely accused of  
5 falsifying company documents?

6 A. Yes. And that goes on your record. I  
7 mean, when you go for other employment, doesn't  
8 that go on your record?

9 Q. So I'm -- just what I want to do is see if  
10 I can keep track of the reasons that you quit.

11 A. Okay.

12 Q. Okay. So when I go through them, I'm not  
13 going through them in order of priority.

14 A. Okay.

15 Q. In other words, I'm not putting the most  
16 important first. Okay?

17 A. Okay.

18 Q. I'm doing it in the order you've told us  
19 about them.

20 A. Okay.

21 Q. So the first reason you quit was because  
22 you were getting the cold shoulder from your  
23 coworkers, correct?

24 A. Correct.

1 Q. The second reason you quit was because you  
2 were not separated from Stephen McElrath, correct?

3 A. Correct.

4 Q. The third reason you quit was because you  
5 were being treated unfairly by Jerry Vance and Mary  
6 Werner, correct?

7 A. Correct.

8 Q. The fourth reason you quit was because you  
9 had been previously sexually harassed by Stephen  
10 McElrath?

11 A. Correct.

12 Q. The fifth reason you quit was because you  
13 believe you were falsely accused of falsifying  
14 company documents, correct?

15 A. Yes.

16 Q. Were there any other reasons why you quit?

17 A. That's all I can remember right -- for  
18 right now. I mean --

19 Q. Let -- let me ask you, ma'am: Did you  
20 ever keep a journal or notes or anything about  
21 things that happened while you were at APL?

22 A. I didn't feel like it was necessary. I  
23 thought that they was going to take care of this  
24 situation as soon as I told them because that's

1 A. Yes.

2 Q. Okay. And just looking at the first page,  
3 can you tell me what Deposition Exhibit 5 is?

4 A. This is a written warning.

5 Q. Okay. Who was this written warning given  
6 to?

7 A. It was given to me.

8 Q. Okay. Why were you given this written  
9 warning?

10 A. Because Steve said that I was not  
11 following proper work procedures as it is stated on  
12 there.

13 Q. Okay. And this bears some documents that  
14 are attached to this, correct?

15 A. That's correct.

16 Q. And the documents deal with basically work  
17 that you had performed, correct?

18 A. That's correct.

19 Q. Do you believe that you deserved to  
20 receive this written warning, Deposition Exhibit 5?

21 A. No.

22 Q. Do you believe it was unfair?

23 A. Yes.

24 Q. Why?

1           A. Because this -- it wasn't my fault that  
2 the work was printed out wrong. They told me when  
3 I started there that the inventory was messed up  
4 and that the paperwork would print out the amount  
5 of the quantity. And there's always 48 pallets to  
6 a case, so if the number came out incorrect, I was  
7 supposed to change that number that wasn't correct  
8 and put the correct number on there. And Will  
9 Gavin, also. We both were told to do it like that.

10          Q. And so it's your testimony that this  
11 warning was unfair because the mistakes weren't  
12 your fault?

13          A. That's correct.

14          Q. Okay. And you received this warning on  
15 the 15th of May, 2006, correct?

16          A. That's correct.

17          Q. Let's go to the document which has been  
18 marked as Deposition Exhibit 3 now.

19                   Do you have that document in front of you?

20          A. Yes.

21          Q. And is this document, the document which  
22 has been marked as Deposition Exhibit 3 -- well,  
23 let me ask you: What is it?

24          A. It's a written warning with a three-day

1 suspension.

2 Q. And is this -- who was that written  
3 warning and suspension given to?

4 A. It was given to me from Stephen McElrath.

5 Q. Okay. Why were you given this written  
6 warning and three-day suspension?

7 A. Because Steve said that I falsified  
8 company document -- documents.

9 Q. Okay. And is -- is that the time record  
10 we were talking about?

11 A. Yes.

12 Q. And you were given this suspension and  
13 written warning on May 15, 2006, correct?

14 A. Correct.

15 Q. Do you believe that you deserved this  
16 written warning and suspension?

17 A. No.

18 Q. Okay. Please explain why not.

19 A. Because, like I said, they said -- well,  
20 Steve said I falsified company documents, and I --  
21 I wrote the time on there that I arrived to work.  
22 And how did he know what time I came to work? He  
23 wasn't even -- you know, he wasn't even in the  
24 office when I came to work. And why would I lie

1 Q. It was somewhat unusual to have a meeting  
2 scheduled like that for the employees, wasn't it?

3 A. Yes.

4 Q. And do you remember if there were company  
5 officials who were in to talk to the employees on  
6 that day?

7 A. Yes. I do remember there were company  
8 officials.

9 Q. Do you remember any of the names?

10 A. No.

11 Q. Okay. If I use the name Kyle Oslo, would  
12 you remember that?

13 A. I just heard about that name yesterday.

14 Q. Okay. And so you knew on the 15th that  
15 all the employees were supposed to go to a meeting,  
16 correct?

17 A. Well, I didn't know until somebody came  
18 back there and told me. I had came in through the  
19 back door and started my work.

20 Q. But you were late for work that day,  
21 weren't you?

22 A. I was late.

23 Q. And when you got to work that day, it's  
24 your testimony you were only five minutes late?

1 harassment by Stephen McElrath in January of 2006,  
2 correct?

3 A. Correct.

4 Q. That was the first time you complained to  
5 Mary Werner?

6 A. That was the first time.

7 Q. Then you didn't feel you were being  
8 treated fairly and you weren't moved. You  
9 continued to have to work with Stephen McElrath, so  
10 you filed a Charge of Discrimination, correct?

11 A. Yes.

12 Q. And then after that, you complained a  
13 second time to Mary Werner and you gave Mary a copy  
14 of the charge, right?

15 A. Yes.

16 Q. Okay. In fact, didn't you file a Charge  
17 of Discrimination because you were given written  
18 warnings on May 15th and May 12th of 2006?

19 A. I filed -- yes. But, like I said, I felt  
20 like that they knew -- she -- Mary Werner knew  
21 about the sexual harassment. Jerry Vance knew  
22 about the sexual harassment.

23 Why all of a sudden would they wait to  
24 write -- I had never been wrote up at that job, and

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1 Q. Okay. Do you remember when you got the  
2 raise?

3 A. I don't remember the exact date, but it  
4 had to be -- I worked there for almost 18 months,  
5 so it probably had to be after a year.

6 Q. So 12 months. So you started working at  
7 APL in January of 2005, correct?

8 A. That's correct.

9 Q. And you probably got your raise sometime  
10 after January of 2006, correct?

11 A. I can't even remember the exact dates, but  
12 I'm thinking it was before January of 2006.

13 Q. Were you ever up for any promotions while  
14 you worked at APL?

15 A. No.

16 Q. Were there any promotions available?

17 A. Not that I know about.

18 Q. Who decided at APL whether or not you  
19 would get raises?

20 A. I think that probably would be Jerry  
21 Vance.

22 Q. During the time you worked at APL, did  
23 Stephen McElrath ever request sexual favors from  
24 you?

1 A. Yes.

2 Q. Okay. When?

3 A. December. He'd always say, Let's go to  
4 the hotel and let me take you out. I'll leave my  
5 wife for you. He would always -- even when I asked  
6 for like -- you know, I worked on other accounts  
7 and I told him that when am I going to get a raise?  
8 He was, I'll give you a raise, all right. You know  
9 what you have to do. There was many times he said  
10 things like that to me.

11 Q. You knew that Stephen McElrath didn't  
12 decide whether or not you got raises, didn't you?

13 A. I knew that.

14 Q. And you also knew that Stephen McElrath  
15 didn't decide whether or not you got promoted,  
16 correct?

17 A. He -- he probably had something to do with  
18 it because he did work with me. So he could have  
19 put in a good word and said, you know, she's doing  
20 a great job or -- and that's the thing about it.  
21 They always told me how good of a job I was doing  
22 until after the sexual harassment -- after I told  
23 Mary about the sexual harassment, and it's like  
24 everything stopped.

1 Q. Well, who told you you were doing a good  
2 job?

3 A. Jerry sometimes would -- if he's in a good  
4 mood, he would say, okay, keep up the good work,  
5 but that was just his character. I think it's just  
6 being like that. He was mean, but if you did a  
7 good job, he would acknowledge that.

8 Q. Okay. Who else?

9 A. And then Steve would say it sometime.

10 Q. So Stephen McElrath would tell you you  
11 were doing a good job?

12 A. Yes.

13 Q. Other than Jerry Vance occasionally  
14 telling you you were doing a good job and Stephen  
15 McElrath telling you were doing a good job, did  
16 anyone at APL tell you you were doing a good job?

17 A. Well, I worked on, like I said, on  
18 different accounts. I worked on Celeste's  
19 accounts, too. They was always happy about telling  
20 me how good and fast I learned that job so -- both  
21 Steve and Jerry.

22 Q. Other than Steve and Jerry, did anyone at  
23 APL ever tell you you were doing a good job?

24 A. Other employees.

1 Q. Like whom?

2 A. There were a couple women that were  
3 forklift drivers. They worked -- one was named  
4 Michelle Lewis. She worked on the Kawasaki  
5 account. I mean, she was impressed about how good  
6 I did the Kawasaki account because it's a hard  
7 account to do. So she was always, you know,  
8 pleased with how I did that account.

9 Q. While you were working at APL, were you  
10 ever denied a raise that you thought you should  
11 have gotten?

12 A. No. I -- like I said, I was just happy to  
13 be making \$13 an hour.

14 Q. While you were working at APL, were you  
15 ever denied a promotion that you thought you should  
16 have gotten?

17 A. No.

18 Q. If you were separated from Stephen  
19 McElrath while you were working at APL, what would  
20 you have done? What job would you have done?

21 A. I would have took anything that they would  
22 have gave me as long as it would have been my  
23 regular pay, \$13.15 an hour. I would have  
24 picked -- they had pickers there that picked. I

1 Attention Lisa on it.

2 A. Oh, this was for my unemployment. They  
3 said that I had -- I would have to fax all the  
4 documents to see if I could get my unemployment,  
5 and she told me to write Attention Lisa at the top.

6 Q. Okay. The first sentence reads, On  
7 May 19, 2006, at approximately 9:15 a.m., Stephen  
8 McElrath and I got into a verbal altercation.

9 Is that accurate?

10 A. Uh-huh.

11 Q. You have to say yes or no.

12 A. Oh, I'm sorry. Yes.

13 Q. Okay. Tell me what happened in that  
14 altercation.

15 A. Well, like it says in the letter, I asked  
16 him why is he telling people that -- about my  
17 suspension. And he said he's not saying anything,  
18 but I got all these coworkers coming up to me  
19 telling me that he said that I falsified my time  
20 sheet. And -- and I said, Steve, could you stop  
21 telling -- you know, telling people that I  
22 falsified. I don't have to steal five minutes from  
23 APL. And so he got mad and said, you know, let --  
24 what it says in the letter.

1 Q. Okay. You missed most of the meeting,  
2 didn't you?

3 A. That's correct.

4 Q. And Bill Banks got mad at you because you  
5 came in late and missed most of the meeting, didn't  
6 he?

7 A. That's correct.

8 Q. And he publicly yelled at you for missing  
9 that meeting, correct?

10 A. That's correct.

11 Q. And shortly after that, you were suspended  
12 for falsifying company time records, correct?

13 A. That's correct.

14 Q. And then after Bill Banks yelled at you  
15 publicly and you were suspended, you missed  
16 three days of work, correct?

17 A. No. I was suspended.

18 Q. Okay. And then when you were suspended,  
19 you were not at work for three days, correct?

20 A. Correct.

21 Q. And then you returned to work on the 19th  
22 of May, correct?

23 A. That's correct.

24 Q. Do you believe that the other employees

1 A. Yeah.

2 Q. So if we turn to the next page of  
3 Deposition Exhibit 3, is this the time sheet you  
4 filled out?

5 A. Uh-huh. Yes.

6 Q. Okay. When you were in the verbal  
7 altercation with Mr. McElrath on May 19, 2006, did  
8 you discuss any subject other than your belief that  
9 he was telling other staff members about the  
10 suspension?

11 A. No.

12 Q. Mr. McElrath denied telling other  
13 employees about the suspension, didn't he?

14 A. Yes, he did.

15 Q. And then you responded, I think we need to  
16 go talk to Mary Werner concerning this matter,  
17 correct?

18 A. Correct.

19 Q. And then his response was for you to go  
20 home?

21 A. Yeah. Yes.

22 Q. Can you tell me who said what? I mean,  
23 how did that go?

24 A. Well, I came back from work after my

1 three-day suspension to the office, and I said,  
2 Steve -- even Celeste came and told me, What  
3 happened? Steve, he is -- she the one who told me  
4 Steve is going around telling everybody you got  
5 suspended because you lied and you stole some money  
6 from -- you're trying to steal money from the  
7 company.

8 So I was like, man. So I go in the office  
9 and I said, Steve, can you please stop telling all  
10 the workers that I got suspended. I ain't told  
11 nobody nothing. I ain't told nobody nothing. I  
12 like, Steve, they said -- it's people coming up to  
13 me telling -- telling me that you say that I'm  
14 stealing money from the company and I'm lying on my  
15 time sheet. Why are you doing that?

16 And then I say, you know what, I'm just  
17 going to go talk to Mary about what's going on. He  
18 said, You ain't going to do nothing. You know  
19 what, punch out and go home. And that's when I  
20 picked up the phone, and I said, Mary, he told me  
21 to punch out and go home. And she still didn't do  
22 nothing. So I left and went home.

23 Q. Did you call Mr. McElrath a liar in that  
24 altercation?

1 A. I did not call him a liar.

2 Q. If you had called him a liar, would you  
3 agree that that would be insubordination?

4 A. Yes.

5 Q. When you spoke with Mary Werner on  
6 May 19th of 2006, did she tell you that it was  
7 General Manager Bill Banks who gave you the  
8 three-day suspension?

9 A. Yes, she did.

10 Q. And she told you that was because Bill  
11 Banks was upset that you were late coming to the  
12 meeting, didn't she?

13 A. Yes, she did.

14 Q. And you knew that Bill Banks was upset  
15 that you were late coming to the meeting?

16 A. Yes, I did.

17 Q. Then you told Mary that you were tired of  
18 Steve, Bill, and Jerry always talking down to you?

19 A. I did say that.

20 Q. Have you told us today about every way  
21 that Stephen McElrath would talk down to you?

22 A. Just as far as the sexual harassments and  
23 -- and then, you know, he would talk to me like I  
24 was his wife. Like, for instance, like punch out

1 out and go home, you met face-to-face with Mary  
2 Werner, didn't you?

3 A. Yes.

4 Q. And in that meeting, you gave Mary Werner  
5 a copy of your Charge of Discrimination with the  
6 Illinois Department of Human Rights, correct?

7 A. On May 19th, yeah. Because I filed it on  
8 May 18th. Yes.

9 Q. Okay. And so after Stephen McElrath told  
10 you to punch out and go home and after he wrote you  
11 up for insubordination, you gave Mary Werner a copy  
12 of your discrimination claim, right?

13 A. I think I gave her a copy before -- I  
14 can't remember the exact time when I gave it to  
15 her. I don't know if it was after or before the --  
16 that I gave her the discrimination.

17 Q. Okay. Well, let's walk through your  
18 statement.

19 A. Okay.

20 Q. At the time you prepared this, was it  
21 true, accurate, and complete?

22 A. Yeah. I did give her a copy of it. Yeah.

23 Q. And you gave her the copy after you were  
24 written up for insubordination, didn't you?

1 A. Yeah. But I had already filed it.

2 Q. But you hadn't given --

3 A. But I didn't --

4 Q. I'm sorry.

5 A. -- know I was going to get written up for  
6 insubordination because I had -- I had -- when I  
7 came back to work for May 19th, I had had my  
8 discrimination charge.

9 Q. You had filed it?

10 A. Right. I had filed it.

11 Q. With the Department of Human Rights?

12 A. Yes.

13 Q. So the very next day, you gave Mary Werner  
14 a copy of the charge you filed, right?

15 A. Right.

16 Q. And you gave her that charge after your  
17 alteration with Stephen McElrath after McElrath  
18 told you to punch out and go home and after he  
19 wrote you up for insubordination, correct?

20 A. Correct.

21 Q. So when Mr. McElrath told you to punch out  
22 and go home and wrote you up for insubordination,  
23 he couldn't have been retaliating against you for  
24 filing a charge with the Department of Human

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ERICA STEELE

May 1, 2008

1 Rights, could he have?

2 A. I don't understand. Can you rephrase the  
3 question?

4 Q. I mean, you filed a Charge of  
5 Discrimination with the Department of Human Rights,  
6 correct?

7 A. That's correct.

8 Q. Mr. McElrath on May 19th told you to punch  
9 out and go home and wrote you up for  
10 insubordination, correct?

11 A. That's correct.

12 Q. But he did those things before you gave  
13 the Company a copy of your charge, didn't he?

14 A. Yeah. But he could have easily -- I told  
15 Celeste about my sexual harassment. Celeste knew  
16 that I had filed a sexual harassment. She could  
17 have easily told him because she was close to him,  
18 too.

19 Q. When --

20 A. So they worked together a lot, too. So he  
21 could have knew about it.

22 Q. Well, do you know for a fact that Celeste  
23 told Stephen McElrath that you'd filed a complaint  
24 of sexual harassment with the Department of Human

1 Rights?

2 A. I don't know for a fact.

3 Q. Okay. And you didn't tell Stephen  
4 McElrath you'd filed a Complaint of Discrimination  
5 with the Department of Human Rights, did you?

6 A. I did not.

7 Q. And Celeste was your good friend, wasn't  
8 she?

9 A. Yes.

10 Q. Have you talked to Celeste since you left  
11 the employment of APL?

12 A. No.

13 Q. Now, you understand that one of the things  
14 that you've claimed in your lawsuit is that APL  
15 retaliated against you for complaining about sexual  
16 harassment, correct?

17 A. Yes.

18 Q. How did APL retaliate against you for  
19 complaining about sexual harassment?

20 A. Well, they -- look at the write-ups that I  
21 got. I got insubordination, falsely -- falsifying  
22 company documents, insubordination.

23 Q. Okay. Let me --

24 A. I mean, they kept me in the office with

1 Steve. You know, I reported the sexual harassment.  
2 They were bringing temporary employees in, putting  
3 them on assignments when they could have easily  
4 moved me to a different assignment. And then with  
5 the lady that came from corporate, they didn't  
6 even -- I thought that I should have been the first  
7 person that she came to talk to since I was the  
8 victim.

9 Q. Let me go through these just to make sure  
10 I've got the list. Okay?

11 A. Okay.

12 Q. And I want to say before I start that I'm  
13 not putting anything in the list as being more  
14 important than anything else in the list. Okay?

15 A. Okay.

16 Q. I'm going to give you the list in the  
17 order that you gave it to me.

18 A. Okay.

19 Q. The first way that you believe APL  
20 retaliated against you was because of the write-ups  
21 you received, correct?

22 A. That's correct.

23 Q. And those write-ups we're talking about  
24 are Deposition Exhibits 3, 4, and 5, correct?

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ERICA STEELE  
May 1, 2008

1 you were asked a series of questions about  
2 compliments to your appearance.

3 Did Mr. McElrath's comments, in your  
4 opinion, go beyond mere gratuitous statements  
5 regarding your appearance?

6 A. Yes.

7 Q. How so?

8 A. He would tell me how nice my butt looked  
9 in my jeans. I have a birthmark on my leg that  
10 could nobody see it but my husband, but I guess I  
11 had on a skirt one day and he seen it. And he told  
12 all the guys in the warehouse that I got this  
13 birthmark.

14 And he came back to me and told me I could  
15 make your husband cheat on you -- I mean, I can  
16 make your husband leave you. All I got to do is  
17 tell him you're cheating. And I'm like, Steve, why  
18 would you say something like that? I said, you  
19 can't tell my husband anything that's going to make  
20 him want to leave me. Yeah? What about that  
21 birthmark? And I just got so mad because I'm  
22 thinking like how could he have seen that if he  
23 wasn't looking that hard. And I remember having on  
24 a skirt that day, and that's how he was able to see